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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,479	05/17/2001	Christian Brand	44912-20054.00	2988

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EXAMINER	
GANTT, ALAN T	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/858,479	BRAND ET AL.	
	Examiner	Art Unit	
	Alan T. Gantt	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/18/05 have been fully considered. In light of applicant's response regarding the Koshizaka reference not being prior art because of the effective filing date and, further, submitting the required English language translation of the application, the examiner introduces Kondoh as the substitute supporting reference for the same reasoning as the Koshizaka reference. Applicant is advised to introduced more detailed and descriptive claim language to truly distinguish his invention from the prior art

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marron et al., in view of Kondoh et al.

Regarding claim 1, Marron discloses a passive keyless entry system that disengages the locking mechanism of an entrance to a restricted area, such as a motor vehicle door, through the use of a coded marker and having means for defining an interrogation zone. The system has a generating means having a frequency band that supplies the marker with a signal identity (page 2, lines 59 to page 3, line 2). Marron meets the limitation:

> A method for detection of a response transmitter which communicates with a base station, comprising: communicating using two frequency ranges between the

base station and the response transmitter, (page 4, lines 24-58 [Marron suggests one frequency range for the energizing of the interrogation coils for the sending of the interrogation signal and a second frequency range for activating and resonating of the marker])

Marron is not concerned with permeability related to the surrounding space to the frequency ranges.

Kondoh discloses a high frequency communication device designed to reduce undesired electromagnetic coupling inside and outside a box in which circuit parts constituting a transmitter/receiver circuit. Periodic structures are provided on the box so that the periodic structures serve as a filter, which has a non-propagating frequency band corresponding to a frequency band covering an undesired electromagnetic emission inside the box. Thus, an undesired electromagnetic emission energy from any electromagnetic emission source can be confined locally to prevent possible electromagnetic interference. Thus, Kondoh meets the limitation:

the space being permeable to a first frequency range and impermeable to a second frequency range (col. 2, line 39 to col. 3, line 29).

Marron and Kondoh are combinable because they share a common endeavor, namely devices that utilize different frequency bands for operating functionality. At the time of the applicant's invention it would have been obvious to modify Marron to utilize functional structure

to mitigate interference between frequency ranges as done by Kondoh to reduce system costs due to filtering requirements.

Regarding claim 6, Marron discloses a passive keyless entry system that disengages the locking mechanism of an entrance to a restricted area, such as a motor vehicle door, through the use of a coded marker and having means for defining an interrogation zone. The system has a generating means having a frequency band that supplies the maker with a signal identity (page 2, lines 59 to page 3, line 2). Marron meets the limitation:

> A communications system, comprising: a base station with a first transmitter/receiver unit for communication signals and a transmitter unit for location interrogation signals; a response transmitter with a second transmitter/receiver unit for the communication signals and a receiver unit for location interrogation signals; (page 4, lines 24-58 [Marron suggests one frequency range for the energizing of the interrogation coils which is part of what would be considered the base station for the sending of the interrogation signal and a second frequency range for activating and resonating of the marker which is equivalent to the response transmitter])

Marron is not concerned with permeability related to the surrounding space to the frequency ranges.

Kondoh discloses a high frequency communication device designed to reduce undesired electromagnetic coupling inside and outside a box in which circuit parts constituting a transmitter/receiver circuit. Periodic structures are provided on the box so that the periodic

structures serve as a filter, which has a non-propagating frequency band corresponding to a frequency band covering an undesired electromagnetic emission inside the box. Thus, an undesired electromagnetic emission energy from any electromagnetic emission source can be confined locally to prevent possible electromagnetic interference. Thus, Kondoh meets the limitation:

an interior space having walls impermeable to one frequency range, the communication signals being transmitted and received in a frequency range to which the walls are permeable and the location interrogation signals being transmitted in a frequency range to which the walls are impermeable. (col. 2, line 39 to col. 3, line 29 - Although Kondoh does not call for a location transmitter, the techniques taught by Kondoh would yield applicant's desired results as one band would be allowed to pass through boundaries while the other band would not. Thus, the claim language does not yield any novel principles)

Marron and Kondoh are combinable because they share a common endeavor, namely devices that utilize different frequency bands for operating functionality. At the time of the applicant's invention it would have been obvious to modify Marron to utilize functional structure to mitigate interference between frequency ranges as done by Kondoh to reduce system costs due to filtering requirements.

Regarding claim 2, Marron meets the limitation - The method as claimed in claim 1, the communication from the response transmitter to the base station occurring in the first frequency

range. (page 4, lines 24-58 [the communication between the marker and the base being one frequency range and the trigger for the marker being the second frequency range])

Regarding claim 3, Marron meets the limitation - The method as claimed in claim 1, the base station transmitting a communication signal in the first frequency range and a location interrogation signal in the second frequency range. (page 4, lines 24-58 [the communication between the marker and the base being one frequency range and the trigger for the marker being the second frequency range])

Regarding claim 4, Marron meets the limitation - The method as claimed in claim 1, the base station transmitting location interrogation signals selectively from one of inside and outside the space. (Marron suggests this, page 5, lines 22-32)

Regarding claim 5, Marron meets the limitation - The method as claimed in claim 3, the response transmitter being activated using the location interrogation signal. (page 4, lines 24-58 [the communication between the marker and the base being one frequency range and the trigger for the marker being the second frequency range])

Regarding claim 7, Marron meets the limitation - The communications system as claimed in claim 6, the base station having a transmitter antenna located outside of the interior space and

a transmitter antenna located inside of the interior space. (Marron suggests this, page 5, lines 22-32)

Regarding claim 8, Marron meets the limitation - The communications system as claimed in claim 6, the response transmitter including code data, which is transmitted collectively in response to the communications interrogation signal. (page 4, lines 24-58 [the communication between the marker and the base being one frequency range and the trigger for the marker being the second frequency range])

Regarding claim 9, Marron meets the limitation - The communications system as claimed in claim 8, the communications system being a component of an anti-theft system of a motor vehicle, the base station being in a motor vehicle and the response transmitter being carried by a person. (Marron suggests this, page 5, lines10-21)

Regarding claim 10, Marron meets the limitation - The method as claimed in claim 4, the response transmitter being activated using the location interrogation signal. (page 4, lines 24-58 [the communication between the marker and the base being one frequency range and the trigger for the marker being the second frequency range])

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

June 2, 2005

NICK CORSARO
PRIMARY EXAMINER